

**ASSEMBLY BILL**

**No. 1557**

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**Introduced by Assembly Member Skinner**

January 26, 2012

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An act to amend Section 2929.3 of the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1557, as introduced, Skinner. Real property: maintenance of foreclosed property: violations.

Existing law, until January 1, 2013, requires a legal owner to maintain vacant residential property purchased at a foreclosure sale, or acquired by that owner through foreclosure under a mortgage or deed of trust. Existing law, until January 1, 2013, authorizes a governmental entity to impose civil fines and penalties for failure to maintain that property of up to \$1,000 per day for a violation. Existing law, until January 1, 2013, requires a governmental entity that seeks to impose those fines and penalties to give notice of the claimed violation and an opportunity to correct the violation at least 14 days prior to imposing the fines and penalties, and to allow a hearing for contesting those fines and penalties.

This bill would extend the operation of these provisions until January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2929.3 of the Civil Code is amended to  
2     read:

1     2929.3. (a) (1) A legal owner shall maintain vacant residential  
2 property purchased by that owner at a foreclosure sale, or acquired  
3 by that owner through foreclosure under a mortgage or deed of  
4 trust. A governmental entity may impose a civil fine of up to one  
5 thousand dollars (\$1,000) per day for a violation. If the  
6 governmental entity chooses to impose a fine pursuant to this  
7 section, it shall give notice of the alleged violation, including a  
8 description of the conditions that gave rise to the allegation, and  
9 notice of the entity's intent to assess a civil fine if action to correct  
10 the violation is not commenced within a period of not less than 14  
11 days and completed within a period of not less than 30 days. The  
12 notice shall be mailed to the address provided in the deed or other  
13 instrument as specified in subdivision (a) of Section 27321.5 of  
14 the Government Code, or, if none, to the return address provided  
15 on the deed or other instrument.

16     (2) The governmental entity shall provide a period of not less  
17 than 30 days for the legal owner to remedy the violation prior to  
18 imposing a civil fine and shall allow for a hearing and opportunity  
19 to contest any fine imposed. In determining the amount of the fine,  
20 the governmental entity shall take into consideration any timely  
21 and good faith efforts by the legal owner to remedy the violation.  
22 The maximum civil fine authorized by this section is one thousand  
23 dollars (\$1,000) for each day that the owner fails to maintain the  
24 property, commencing on the day following the expiration of the  
25 period to remedy the violation established by the governmental  
26 entity.

27     (3) Subject to the provisions of this section, a governmental  
28 entity may establish different compliance periods for different  
29 conditions on the same property in the notice of alleged violation  
30 mailed to the legal owner.

31     (b) For purposes of this section, "failure to maintain" means  
32 failure to care for the exterior of the property, including, but not  
33 limited to, permitting excessive foliage growth that diminishes the  
34 value of surrounding properties, failing to take action to prevent  
35 trespassers or squatters from remaining on the property, or failing  
36 to take action to prevent mosquito larvae from growing in standing  
37 water or other conditions that create a public nuisance.

38     (c) Notwithstanding subdivisions (a) and (b), a governmental  
39 entity may provide less than 30 days' notice to remedy a condition  
40 before imposing a civil fine if the entity determines that a specific

1 condition of the property threatens public health or safety and  
2 provided that notice of that determination and time for compliance  
3 is given.

4 (d) Fines and penalties collected pursuant to this section shall  
5 be directed to local nuisance abatement programs.

6 (e) A governmental entity may not impose fines on a legal owner  
7 under both this section and a local ordinance.

8 (f) These provisions shall not preempt any local ordinance.

9 (g) This section shall only apply to residential real property.

10 (h) The rights and remedies provided in this section are  
11 cumulative and in addition to any other rights and remedies  
12 provided by law.

13 (i) This section shall remain in effect only until January 1, ~~2013~~  
14 *2018*, and as of that date is repealed, unless a later enacted statute,  
15 that is enacted before January 1, ~~2013~~ *2018*, deletes or extends  
16 that date.